



CITY OF NEWPORT BEACH HARBOR COMMISSION AGENDA

Council Chambers – 100 Civic Center Drive
Wednesday, June 12, 2013 – 6:00 PM

Harbor Commission Members:

Doug West, Chair
Karen Rhyné
Ralph Rodheim

Brad Avery
Paul Blank

Duncan McIntosh
David Girling

Staff Members:

Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison:

Nancy Gardner

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- 1) **CALL MEETING TO ORDER**
 - 2) **ROLL CALL**
 - 3) **PLEDGE OF ALLEGIANCE**
 - 4) **SPECIAL CEREMONY RECOGNIZING COMMISSIONER RODHEIM'S LAST HARBOR COMMISSION MEETING. PUBLIC COMMENTS WELCOME.**
 - 5) **PUBLIC COMMENTS**
Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Commission. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Commission has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers. As a courtesy, please turn cell phones off or set them in the silent mode.
 - 6) **APPROVAL OF MINUTES** – May 8, 2013 Minutes
 - 7) **CURRENT BUSINESS**

1. ***Mooring Update***

Staff will present an update on moorings in Newport Harbor including related topics such as fees, derelict vessels, Harbor Patrol contract, mooring rules and regulations, and mooring field realignment.

Recommendation:

- 1) Receive and file.

This Commission is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Commission's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Commission and items not on the agenda but are within the subject matter jurisdiction of the Commission. The Commission may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

2. *Shore Power Issues at Commercial Marinas*

The Harbor Commission will discuss the issue of shore power at commercial marinas with respect to the adequacy of the power provided vs. the individual needs of the tenants. The Harbor Commission has learned that some marinas may not be providing sufficient power for their larger vessels, therefore prompting prolonged use of on-board generators which tend to be noisy and may disturb adjacent tenants both land and waterside. The Harbor Commission will consider recommending that the City Manager address this issue in the upcoming leases with commercial marinas.

Recommendation:

- 1) Receive and file; or
- 2) Recommend to the City Manager that additional terms be inserted into the upcoming commercial leases requiring adequate power at all commercial marinas.

3. *Public Piers Update*

Commissioner Blank will present an update on public piers including related topics such as visitor serving amenities and planning for additional public piers.

Recommendation:

- 1) Receive and file.

8) SUBCOMMITTEE REPORTS

9) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

10) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

11) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER

12) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

13) DATE AND TIME FOR NEXT MEETING: Wednesday, July 10, 2013, 6:00 PM

14) ADJOURNMENT

NEWPORT BEACH HARBOR COMMISSION REGULAR MEETING MINUTES
City Council Chambers
Wednesday, May 8, 2013
6:00 p.m.

1) CALL MEETING TO ORDER

The meeting was called to order at 6:08 p.m.

2) ROLL CALL

Commissioners: Doug West, Chair
Brad Avery
Paul Blank
David Girling
Duncan McIntosh
Karen Rhyne
Ralph Rodheim

Staff Members: Chris Miller, Harbor Resources Manager
Shannon Levin, Harbor Resources Supervisor

Council Liaison: Council Member Nancy Gardner - Absent

3) PLEDGE OF ALLEGIANCE – Commissioner McIntosh

4) PUBLIC COMMENTS

Chair West invited those interested in addressing the Commission to do so at this time.

Gary Pickett, Ardell Marina, reported on the number and sizes of slips and noted increasing vacancies due to the noise, vibrations and fumes caused by the adjacent Hornblower Yachts Endless Dreams operation. He reported that the pollution is affecting Ardell Marina's revenues and noted meeting with representatives of Hornblower Yachts who were sympathetic but reported that nothing has changed. Mr. Pickett reported that the problem is well known to the Harbor Commission. He reported that the Hornblower landlord should provide them with electrical power from the uplands which would reduce noise and fumes from the running generators. He addressed recent increases in commercial marina fees and problems with increased vacancies and asked for help from the Harbor Commission.

Chair West indicated that the Commission is aware of the issue but since the item is not on the agenda, it cannot be discussed at this time.

Harbor Resources Manager Chris Miller reported that staff will look into the matter and return with a report to the Commission at its meeting in June.

There being no others wishing to address the Commission, Chair West closed the Public Comments portion of the meeting.

5) APPROVAL OF MINUTES - March 13, 2013 Study Session and Regular Meeting and April 10, 2013 Regular Meeting

Chair West reported receiving comments from Jim Mosher correcting the subject minutes and asked that the corrections be incorporated into the final minutes.

Motion: Commissioner Girling made a motion to approve the minutes of the Harbor Commission March 13, 2013 Study Session and Regular Meeting and April 10, 2013 Regular Meeting, as corrected. Commissioner McIntosh seconded the motion, which carried with 6 ayes and 1 abstention. Approved.

6) CURRENT BUSINESS - None

7) SUBCOMMITTEE REPORTS

Commissioner Blank addressed the objective related to promoting Newport Harbor as a welcoming destination and reported meeting with Gary Sherwin of Visit Newport Beach to generate ideas. He presented details of the meeting and addressed next steps. Members of the Commission commented positively on the efforts of the subcommittee in working with Visit Newport Beach.

Commissioner Blank addressed goals related to public piers and presented an update as well as next steps. He added that a formal presentation will be provided at a future Harbor Commission meeting and requested placing the item on a future agenda. He briefly addressed suggestions in support of each of the related objectives.

Commissioner Rodheim reported the intent of the Subcommittee to meet with the City Attorney's office within the next two weeks regarding the Project Line/Pier Head Line Subcommittee to discuss the matter and determine if it is an issue that the City would like to address. He stated that a report will be provided to the Harbor Commission at its meeting in June.

Commissioner Girling provided a brief update on Lower Castaways and reported that research will be conducted to further refine some of the ideas generated. He reported that he may work with the City to generate a questionnaire to include in the City's website and felt that research is needed to determine demand relative to the idea of boat storage, taking into account a nearby development that will offer boat storage. He noted studies will need to be conducted relative to other ideas and that there will be effort, time and money required in the pursuit of some of the ideas. Discussion followed regarding the possibility of scheduling a meeting with the City Manager to test some of the ideas.

Commissioner Girling reported receiving communication from Gary Brown with OC Coastkeeper regarding the designation of Lower Castaways as an Upper Newport Bay Conservation Area. He stated that some of the proposed uses will be evaluated at a Coastkeeper meeting in October and recommended moving forward in order to have some of the ideas considered during that meeting. Discussion followed regarding working with the Harbor Resources Manager to help in addressing the process at the State level relative to the suggestion that the boundary of the Upper Newport Bay Conservation Area may be adjustable. Brief discussion continued regarding working with the Parks, Beaches and Recreation Commission on this matter. It was noted that suggestions were received from two residents to keep it simple and use the area as a human-powered craft/car-top site and drive as much non-trailer parking into the site.

Chair West reported that the Dredging Subcommittee met with the Dredging Material Management Team (DMMT) relative to the RGP 54 matter. Harbor Resource Manager Miller stated that he will report further on the matter later on the agenda.

8) QUESTIONS AND ANSWERS WITH COUNCIL LIAISON ON HARBOR RELATED ISSUES

Chair West noted the absence of Councilmember Gardner.

9) QUESTIONS AND ANSWERS WITH HARBOR RESOURCES MANAGER ON HARBOR RELATED ISSUES

Harbor Resources Manager Miller provided a status update on the RGP 54 and addressed proposed structural changes to the permit including a sediment testing plan and the necessary vetting. He addressed sampling groups, the complexity and expense of the process and staff's job in the negotiation of minimizing the number of tests needed. He reported that staff is still working with the various agencies in order to fine

tune the plan. He hoped that the plan will be approved within the next few weeks and addressed next steps in the process. He reported that he will be providing brief updates at each Harbor Commission meeting.

Mr. Miller reported on the eelgrass negotiations with the agencies and addressed an interagency meeting to obtain feedback regarding the City's plan. He stated that the agencies provided good feedback that was incorporated into the plan and that it will be resubmitted to the agencies for their review in the near future. Discussion followed regarding the status of the eelgrass surveys. Mr. Miller reported that Coastal Resource Management is performing the survey and described the process and next steps. He stated that results are posted on the City's website. He addressed current levels of eelgrass compared with previous years and noted increases in the levels of eelgrass as well as contributing factors.

Harbor Resources Supervisor Shannon Levin reported that the City is in the process of replacing all five of the City owned pumpouts and that reimbursement will be made by the Department of Boating and Waterways for up to 75% of the replacement costs. She provided an update on the Balboa Island Sand Replenishment project noting that all of the RGP 54 applications have been submitted to the appropriate agencies and addressed the timeline for the various projects. Additionally, Ms. Levin announced a boat auction on Friday, May 10, 2013 at 9:00 a.m.

In response to Chair West inquiry, Mr. Miller provided a status update on the public pier near Balboa Marina. He reported that preliminary design is evolving and that the City is close to selecting an environmental consultant for the CEQA analysis and stated that two-and-a-half years remain before completion.

Commissioner Rodheim addressed increases in rates for Balboa Yacht Basin and inquired regarding providing amenities and public access. He suggested getting something done prior to the summer months, possibly on a test-basis.

Discussion followed regarding the mooring transferability process and related policies and the possibility of getting a report at the next Commission meeting to review the matter and assess the effects of policy changes.

Ensuing discussion pertained to dredging maintenance, challenges with the lack of small-scale dredging operators in the Harbor and current efforts by the Dredging Subcommittee and derelict boats. It was noted that the population of derelict boats in the Harbor has decreased and direction was given to staff to provide a brief update at the next Harbor Commission meeting.

Discussion followed regarding Mr. Miller's reference to current studies for the public dock near the Balboa Marina and the possible application of those studies to the Lower Castaways. Mr. Miller reported that the study was commissioned by the Irvine Company and will share it when it becomes available.

10) PUBLIC COMMENTS ON SUBCOMMITTEE REPORTS OR QUESTIONS AND ANSWERS WITH COUNCIL LIAISON OR HARBOR RESOURCES MANAGER

Interested parties were invited to address the Commission. There was no response and Chair West closed this portion of the meeting.

11) COMMISSION ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Chair West noted that several items were suggested to be placed on a future agenda during the course of the meeting including the shore power issue raised during public comment as well as several subcommittee items.

Commissioner Rodheim reported on the success of the recent Newport-to-Ensenada Yacht Race and thanked the press as well as staff.

Commissioner Rodheim addressed the matter of Duffy Docks and encouraged further discussion of the

matter. He requested placing the item on a future agenda and including a report from staff regarding potential next steps. He suggested the possibility of holding an informational meeting and obtaining public input. Discussion followed regarding considering the idea generically rather than promoting specific concepts, activating the subcommittee to decide whether to move the matter forward and the possibility of the City providing a prototype of a City mooring, using City boats.

Mr. Miller announced that applications for vacant Harbor Commission seats are due by May 15, 2013 at 1:00 p.m. and that applications are available online. He added that a subcommittee of Council members has been formed to review applications and develop recommendations by the first or second meeting in June.

Discussion followed regarding another Commissioner being assigned to the alternative mooring design subcommittee task force. It was noted that the subcommittee will be refreshed.

Mr. West reported that the new appointee to the Harbor Commission will join the Commission at its meeting in July.

12) DATE AND TIME FOR NEXT MEETING: Wednesday, June 12, 2013, 6:00 p.m.

13) ADJOURNMENT

There being no further business to come before the Harbor Commission, the meeting was adjourned at 7:23 p.m.



CITY OF

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 1
June 12, 2013

TO: HARBOR COMMISSION

FROM: Public Works Department
Shannon Levin, Harbor Resources Supervisor
949-644-3041, shannon@newportbeachca.gov

TITLE: Mooring Update

ABSTRACT:

Staff will present an update on moorings in Newport Harbor including related topics such as fees, derelict vessels, Harbor Patrol contract, mooring rules and regulations, and mooring field realignment.

RECOMMENDATION:

1. Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:


Shannon Levin



NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 2
June 12, 2013

TO: HARBOR COMMISSION

FROM: Public Works Department
Chris Miller, Harbor Resources Manager
949-644-3043, cmiller@newportbeachca.gov

TITLE: Shore Power Issues at Commercial Marinas

ABSTRACT:

The Harbor Commission will discuss the issue of shore power at commercial marinas with respect to the adequacy of the power provided vs. the individual needs of the tenants. The Harbor Commission has learned that some marinas may not be providing sufficient power for their larger vessels, therefore prompting prolonged use of on-board generators which tend to be noisy and may disturb adjacent tenants both land and waterside. The Harbor Commission will consider recommending that the City Manager address this issue in the upcoming leases with commercial marinas.

RECOMMENDATION:

1. Receive and file; or
2. Recommend to the City Manager that additional terms be inserted into the upcoming commercial leases requiring adequate power at all commercial marinas.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.

DISCUSSION:

It has recently come to the Harbor Commission's attention that at least one marina in the harbor may not be providing sufficient power for some of their larger vessel tenants. As an example, the marina at 2431 W. Coast Highway rented by Hornblower Cruises and Events, supplies a 100 amp circuit at the power pedestal for a vessel that requires 200 amps. Therefore, to make up for the lack of power, Hornblower will run its generators for the galley, air conditioning, lighting etc...for a period of time prior to each cruise as the crew prepares the vessel. As a result, this prolonged generator use causes noise and exhaust issues which may affect both land and waterside neighbors.

A complaint from Ardell, a neighboring marina to 2431 W. Coast Highway, was voiced to the Harbor Commission earlier this year. Both parties were able to remedy the problem, but the issue still remains: Should marinas supply adequate power to their tenants?

To help answer this question, staff called and visited some marinas which are capable of berthing larger vessels. Although not a comprehensive study, the research suggests that many of the marinas in the harbor do provide adequate power to their tenants as evidenced below.

1. **Lido Marina Village – Electra Cruises:** This charter company rents a few slips at the marina and has three to four larger charter vessels all of which are properly powered with 200 amp circuits. This is adequate power, but they still have to actively manage their power system depending on the pre-charter demands (galley, lighting, air conditioning etc...). Electra Cruises has also installed "hospital" (quiet) mufflers, and the exhaust is piped through the water on at least one of their vessels. Electra Cruises (not Lido Marina Village) directly paid for the power upgrades to 200 amps.
2. **Bellport – Lido Peninsula:** Bellport does have some larger slips which are adequately powered with 100 amp circuits plus two separate 50 amp circuits (200 amps total).
3. **Balboa Bay Club:** The larger slips on the west end of the marina are all equipped with 100 amp circuits plus one 50 amp circuit (150 amps total). There are two slips, however, that paid to install an additional 100 amp circuit (250 amps total).
4. **Catalina Flyer:** The Catalina Flyer has a 100 amp circuit.
5. **Bluewater Grill – MV Orca Too:** MV Orca Too is under 70', and this slip is adequately powered with a 50 amp circuit.

The commercial tidelands lease/permit template has already been approved by the City Council, but it may still be possible to insert additional language into the template requiring adequate shore power. Staff will investigate this further depending on the Commission's recommendation.


ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:


Chris Miller



== CITY OF ==

NEWPORT BEACH

Harbor Commission Staff Report

Agenda Item No. 3
June 12, 2013

TO: HARBOR COMMISSION

FROM: Public Works Department
Shannon Levin, Harbor Resources Supervisor
949-644-3041, shannon@newportbeachca.gov

TITLE: Public Piers Update

ABSTRACT:

Commissioner Blank will present an update on public piers including related topics such as visitor serving amenities and planning for additional public piers.

RECOMMENDATION:

1. Receive and file.

FUNDING REQUIREMENTS:

There is no fiscal impact related to this item.


ENVIRONMENTAL REVIEW:

Staff recommends the Harbor Commission find this action is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

NOTICING:

The agenda item has been noticed according to the Brown Act (72 hours in advance of the meeting at which the Harbor Commission considers the item).

Submitted by:


Shannon Levin

Attachment: A. Public Piers and Nearby Amenities

**Newport Beach
Harbor Commission
Public Pier Objective Report and Recommendations
June 12, 2013**

Objective: Continue to evaluate the placement of existing public piers that facilitate visitor access to harbor area businesses and amenities. Develop recommendations for the repositioning or development of additional piers to improve visitor access.

Approach:

- Review existing piers
- Review prior efforts/progress in support of the objective
- Assess what businesses and amenities boaters desire to visit
- Assess where public piers (or the absence thereof) limit boater access to the desired businesses or amenities
- Recommend where the City is likely to achieve the highest returns on investments in Public Piers

Steps taken:

- Collected information on prior efforts supporting this objective
- Conducted review of existing public piers
- Researched and reviewed shore side businesses, services and amenities boaters wish to visit using peer harbor and boating community member sources
- Refined objective:
 1. Improve use of existing piers to facilitate visitor access to harbor area businesses and amenities
 2. Identify opportunities for additional piers to facilitate visitor access
- Developed recommendations in support of the objective
- Banked suggestions/recommendations for improvements to Public Piers that were not in direct support of this objective

Observations: the strengths



Observations: - the challenges

Maintenance, cleanliness, signage, boater usability



Observations - the businesses and amenities boaters most desire to visit when they come ashore:

1. Restaurants, bars and entertainment including theatres
2. Provisions and supplies including water, groceries and marine hardware
3. Shore side services including power, laundry/dry cleaning and aesthetics (gym, spa, massage, hair & nails)
4. Access to alternative recreation (hiking, biking, kayaking, SUP, etc...)
5. Access to public restrooms/other public facilities including libraries, police stations, fire stations

Observations - the businesses and amenities boaters most desire to visit when they come ashore:



Conclusions:

- There are opportunities to improve use of existing public piers through additional attention, amenity and maintenance
- There are opportunities to place additional piers near businesses and amenities boaters likely desire to visit

Proposed Recommendations related to Improving Use of Existing Piers:

1. Perform more frequent (weekly) and extensive cleaning and maintenance of all existing public piers and floats avoiding the “Broken Window Syndrome”
2. Add a dedicated function equivalent to the City “Park Ranger” to enforce rules, identify areas/amenities requiring more attention, raise awareness and improve appeal of the facilities and emphasize the presence of this function during busy days/times of harbor use
3. Institute a “sponsorship” or “Adopt-a-dock” program approaching businesses, community organizations and/or individuals to partner with the City to ensure the various public docks are well maintained, safe, clean and signage is intact, complete and accurate
4. Reconstruct/reconfigure docks to better insulate piles/pilings from boats that want to make use of floats
5. Add/improve amenities on the public piers that boaters use including public restrooms, fresh water, 30A electricity, upland loading zones, bike racks and marine recycling facilities

Proposed Recommendations related to Opportunities for Additional Piers:

1. Develop new public pier at Lido Marina Village
2. Develop new public pier at Balboa Marina (Cal Rec)
3. Develop new public pier at Lower Castaways
4. Develop new public pier at the northwest base of the Lido Isle Bridge
5. Develop new public pier at the east end of the Bay Club Property with pedestrian access to PCH

Proposed Recommendations related to Opportunities for Additional Piers:



Next Steps:

- Discussion
- Revise Recommendations
- Adopt Recommendations